

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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KEVIN CAMPBELL,

Docket No.:
22 CV 7662

Plaintiff,

-against-

SECOND DECLARATION OF
KEVIN CAMPBELL

FEDERAL EXPRESS CORPORATION,
FEDEX EXPRESS, and ERIC WANDERS,
INDIVIDUALLY,

Defendants.
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1. I, Kevin Campbell, the Plaintiff in this case, declare under penalty of perjury that the foregoing is true and correct.
2. In Defendants' motion, they state that "Campbell acknowledges Alzate *could have been* intimidated when Campbell closed the distance with him to half a foot and that Alzate could have perceived it as an act of aggression." Defendants' 56.1 ¶ 79.
3. This is not what I said.
4. At my deposition, Defendants' attorney specifically asked me only to speculate about what Mr. Alzate "could have *felt*" or "could have *perceived*."
5. However, everyone knows that neither Mr. Alzate nor any other FedEx worker ever accused me of being intimidating or aggressive.
6. In response to Defendants' attorney's hypothetical question, I attempted to respond with appropriate context, which Defendants' attorney did not allow.
7. I responded to this question by first stating "I felt like I could have been intimidated by him kicking boxes and hitting my hand."
8. In response, Defendants' counsel stated that he was not asking for that information, and that he did not want to hear about what I "felt," despite the fact that he was explicitly asking me to speculate about what Mr. Alzate "could have felt."
9. My attorney then objected to Defendants' counsel's questioning.
10. Defendants' attorney then insisted I respond.

11. He did so with the understanding that Mr. Alzate never actually accused me of being aggressive or intimidating.
12. I answered Defendants' attorney's question regarding the "possibility" of Mr. Alzate's "feelings" or "perception" in the context of my status as a Black man, and understanding that Mr. Alzate is a racist who verbally attacked me on a daily basis, not because any of his theoretical feelings about me were legitimate, actually felt, reasonable, or grounded in reality.
13. In other words, Mr. Alzate may have had any number of negative perceptions about me because I am a Black man, not because I actually did anything to him.
14. To be clear, I do not think Mr. Alzate was in fact intimidated or perceived me as aggressive, confirmed by the fact that he never made this accusation.

Signature: 
novganon1@gmail.com (Jan 2, 2025 10:11 EST)

Email: novganon1@gmail.com